



INDIANA STATE POLICE LABORATORY DIVISION

PHYSICAL EVIDENCE BULLETIN

DRUGS/CONTROLLED SUBSTANCES

INTRODUCTION: Controlled substances and other drugs appear in a greater variety of forms than any other type of physical evidence. The investigator routinely encounters liquids, tablets, capsules, powders, plant materials, paraphernalia, and nearly invisible deposits on blotter paper and other materials. The Indiana State Police (ISP) Laboratory does not conduct drug analysis on biological materials (e.g. blood, urine, stomach contents, etc.).

A. SAMPLING, COLLECTING, PRESERVING, AND MARKING:

1. Only those items which are being used to file charges and for prosecution should be submitted for analysis. It is helpful for the charges and suspect names to be indicated for each item.
 - a. Any case seized on or after July 1, 2014 needs to have the type of investigation (Dealing, Possession and/or Manufacturing) clearly listed on the Request for Examination.
2. Dates of seizure shall be documented on the Request for Examination (629) form, or electronic equivalent, for all drug cases. Due to the frequency of changes in the statutes, this is necessary for accurate reporting and analysis.
3. Cases without a known suspect will not routinely be accepted for analysis. This is not the same as cases where the legal name of the suspect is unknown. Information regarding aliases and/or nicknames (whenever obtained) is helpful for the laboratory to make better use of laboratory staffing resources (i.e. to reduce the likelihood that multiple analysts would be required to testify in trials). Legal names should be provided to the Laboratory when known.
4. For multiple item cases, the officer will be required to identify the “probable cause” item for submission for analysis. Other items in the case will be screened to eliminate non-essential items for analysis. Items deemed questionable, non-essential, or contrary to these policies will not be examined.

5. Drug diversion-type cases, factory sealed, tamper-proof, or sealed blister-pack type items will not routinely be accepted for analysis. Indiana case law (Reemer v. State of Indiana) does not require analysis of manufacturer sealed and labeled packaging. If required, these items will be examined only by using a reference identification. No confirmatory testing will be performed.
6. If an item is to be submitted for both drug and fingerprint or DNA analysis, the drug evidence (e.g. powder, tablets, vegetation, etc.) and container (e.g. paper bag, plastic bag, box, etc.) shall be separated prior to submission to the laboratory. This separated evidence shall be packaged and submitted as individual sub-items. Exceptions require authorization by the Laboratory Manager or a Unit Supervisor.
7. Mixtures of tablets and/or capsules with different markings and/or colors shall be physically separated, counted, and described on the submission sheet by type of tablet or capsule with markings and be screened by the contributor prior to submission for analysis.
8. When marked tablets or capsules containing the same controlled substance are present in multiple items of a case, then only one exhibit containing these items will be accepted for analysis, unless multiple buys are involved or are required to satisfy the weight requirements for prosecution. A reference identification may be performed in lieu of full analysis for these items.
9. Marked tablets and capsules consistent with containing only non-controlled drugs (e. g. over-the-counter or prescription preparations) will not be accepted for analysis. Exceptions may include:
 - a. Legend drugs. If Legend Drug charges are filed, confirmation of identity may be required. If required for investigative purposes, these items can be accepted for a reference identification and a report will be generated with the reference information. The laboratory does not have an exhaustive inventory of reference materials that may be required for confirmation of identity. Reference materials also may not be commercially available for comparison.
 - b. Precursors, such as Pseudoephedrine or Ephedrine tablets in clandestine laboratory investigations.
 - c. Dealing cases involving look-a-like substances, dealing in a counterfeit substance, or dealing in a substance represented to be a controlled substance, and
 - d. The type of investigation is clearly indicated on the Request for Laboratory Examination Form (629 form) or electronic equivalent. If the request is not clear, reference indications will be used and no confirmatory testing will be performed.

10. Items consisting of marked tablets or capsules in a prescription bottle for that drug with the bottle marked with the defendant's name will not be accepted for analysis.
 - a. Exceptions would include tampering cases and death investigations (recommend - items be submitted to toxicology with body fluid samples); and
 - b. The appropriate type of investigation is clearly indicated on the Request for Laboratory Examination Form (629 form) or electronic equivalent.
11. Where an item is a large quantity of material, (e.g. over fifty pounds of marijuana) random samples should be withdrawn and submitted to the laboratory. Sample size submitted should exceed the required amount to change the class of the charges filed if desirable.
12. All plant material shall be dried and stripped prior to submission to the laboratory.
13. Where the evidence consists of large quantities of marijuana plants, the plants should be photographed, leaf material stripped from plants and dried before submission. It is the contributor's responsibility to strip plant material from the stalks.
14. Paraphernalia (including, but not limited to, mirrors, foil, cooking spoons or caps and pipes etc., cigarette butts, residues and potential sharps (razor blades, mirrors, glass, knives, etc.)) shall not be accepted for analysis, except when this is the only evidence in the case, is needed for probable cause, and/or sufficient justification for examination has been given.
 - a. The use of tape lifts is not a good method of collecting drug evidence and shall not be accepted for analysis.
 - b. The use of swabs also is not a good method of collecting drug evidence and are discouraged.
15. Syringes. Used syringes, with or without needles, are potential sources for transmission of infectious disease such as hepatitis and AIDS. Further, the presence of bodily fluids in drug samples may cause rapid decomposition of the drugs present in the sample and may be unsuitable for analysis by the ISP Drug Unit. In all situations, **syringes with or without needles will not be accepted** for analysis.
 - a. A solvent wash of a syringe, or syringe contents, can be submitted, if there are no other items of evidence of value in the case and sufficient information has been provided to justify the examination.
 - b. Items appearing to contain blood, urine or other bodily fluids will not be accepted for drug analysis.
 - c. Suspected syringe tampering case items will not be accepted for analysis.

B. PACKAGING:

1. All evidence should be submitted in a sealed condition and in a size appropriate container allowing for the examiner to appropriately mark and re-seal the evidence.
2. Evidence should be packaged in suitable containers, e.g. envelopes, plastic bags, etc. and bear the following information at a minimum:
 - a. Submitting agency
 - b. Case number
 - c. Item number
3. Marijuana shall be dried before placing in suitable containers for storage and submission to the laboratory. It is the investigating officer's responsibility to dry wet plant material before laboratory submission. Plastic bags are not recommended for fresh, or green plant materials as they encourage the formation of mold or in many cases cause decomposition, prevent identification and present safety and health hazards in articles such as marijuana, peyote plants, or wet materials. Water shall be removed from water pipes.
5. Do not submit clothing. Remove suspected material from pockets and place in separate, marked containers.
6. Guns, money or personal property should not be submitted unless they are to be examined by other forensic disciplines. These items should be separated prior to submission, if possible.
7. Evidence should be packaged separately to prevent cross contamination.
8. Evidence containing potential sharps (mirrors, bottles, knives, glass pipes, etc.) shall be packaged in puncture-resistant packaging.
9. Evidence containing liquids shall be packaged to minimize the risk of breakage and leakage.
10. Biohazard Items – Any item found in, or is suspected to have been in, direct contact with a human body cavity or near vicinity of a body cavity, shall be cleaned, properly packaged and marked with a biohazard label. Any item that is, or is suspected to have been, in contact with any bodily fluid, shall be marked with a biohazard label.

C. EVIDENCE SCREENING:

1. This PEB serves as the policy for items requiring controlled substance analysis. The Laboratory Manager or designee, Unit Supervisor or designee, can authorize exceptions with sufficient justification. Exceptions should be relevant to the investigation and critical to the prosecution of the drug case. The Laboratory person authorizing the exception shall make a note on the Request for Examination form, or in the Synopsis field in the Case Info tab in the Laboratory Information Management System (LIMS). If an analyst makes an exception at the time of analysis, then details of the exception should be noted on the worksheet or Request for Examination form.
2. Forensic scientists in the Drug Unit have the authority to screen evidence at the time of submission and/or analysis, determine which items meet these guidelines and administratively withdraw items.
3. All questions pertaining to submission of drug evidence should be clarified prior to submission. Questionable items will not be accepted for analysis by the laboratory, and will be returned to the submitting agency without examination. Examination requests for items deemed to be contrary to these policies will be administratively withdrawn and the evidence returned to the submitting agency.
4. The Indiana State Police Laboratory does not currently have validated methods to perform quantitative analysis (drug purity) therefore requests for quantitative analysis cannot be accepted.

D. RE-EXAMINATION:

The Indiana State Police Laboratory does not routinely examine materials which have been previously examined. Re-examination requests must be made in writing by the submitting agency with an endorsement by the prosecuting attorney having jurisdiction in the case. Due to the complexity of re-examination cases, these requests are not available on a rush basis. A minimum of thirty (30) days notice is required for re-examination of case materials.

E. RUSH CASE REQUESTS:

Requests for expedited analysis should be an infrequent request. Cases may not be eligible for a rush request due to the nature and number of items submitted, analyst availability, analytical complications and legislative requirements. A minimum of thirty (30) days notice is requested for all rush drug analysis requests.

F. **EVIDENCE DESTRUCTION:**

The Indiana State Police Laboratory is responsible for the security of all controlled substances and destruction of only State Police cases in its possession. Evidence from outside agencies will not be stored for destruction.

Controlled substances submitted for analysis will be retained by the laboratory during analysis only. When the analysis is complete the evidence will be returned to the submitting agency as soon as possible. For further information on handling of controlled substances contact your nearest State Police Laboratory.

The telephone numbers of the Indiana State Police Laboratories are:

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| Indianapolis: | 317-921-5300 | 866-855-2840 |
| Lowell: | 219-696-1835 | 877-874-0009 |
| Ft. Wayne: | 260-436-7522 | 800-552-0976 |
| Evansville: | 812-867-3157 | 800-852-3970 |